

REMARKS

Claims 9-11 are pending in this application. Reconsideration is respectfully requested. Applicant notes with appreciation the indicated allowability of Claims 6-8, amended to be in independent form and incorporating all of the limitations of the preceding claims. It was noted in preparing such amended claims that, due to the extent and nature of the amendments thereto, it would be more convenient for the Examiner to cancel Claims 6-8 as well as Claims 1-5 and present three claims to replace Claims 6-8 and incorporate all of the limitations from claims 1-5. Hence, Claims 1-8 are canceled and Claims 9-11 newly submitted to replace Claims 6-8 and incorporate the limitations from Claims 1-5 as well.

Claims 9-11, newly submitted, are limited to the specific anticonvulsants as recited in Claims 6-8, i.e. diazepam, clonazepam and (S)-2-carbamoyloxy-1-o-chlorophenylethanol, respectively. Further, each of Claims 9-11 recites the specific composition as recited, respectively, in Claims 6-8 and recites the specific bile salts and lecithin ingredients as recited in Claims 4 and 5. Therefore, it is respectfully submitted that Claims 9-11 are drawn from Claims 1-8 exclusively, do not introduce new matter in any particular and are allowable based on the indicated allowability of Claims 6-8. In view of the fact that Claims 9-11 are submitted in lieu of extensive amendments to Claims 6-8 purely as a matter of convenience for consideration by the Examiner, entry thereof into the record is respectfully requested.

The rejection of Claims 1-8, now Claims 9-11, under double patenting over Claims 1-10 of U.S. P. 6,627,211, assigned to Applicants' assignee, is obviated by the Substitute Terminal Disclaimer submitted herewith. The Terminal Disclaimer previously submitted by Applicants inadvertently neglected to include an ownership clause. Applicants appreciate the Examiner bringing this to their attention. Accordingly, the Substitute Terminal Disclaimer submitted herewith contains the requisite statement and is believed to be acceptable in all regards. Admission of the enclosed Substitute Terminal Disclaimer in lieu of that previously submitted is respectfully requested. The

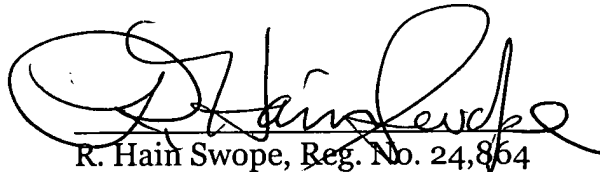
Serial No. 10/634,689
Art Unit: 1615

Terminal Disclaimer limits that portion of the term of a patent granted on the above-identified application that would have extended beyond the original term of said patent. Withdrawal of the rejection thereunder is therefore in order and is respectfully requested.

The rejections over art are obviated by the Cancellation of Claims 1-5 and the submission of Claims 9-11 in lieu of Claims 6-8, previously indicated as being allowable. Hence, this application is believed to be in condition for allowance. An early Notice of Allowance is courteously solicited. In the event the Examiner deems a further discussion of this application would expedite prosecution to allowance, the undersigned Attorney of Record would welcome the opportunity to hold such a discussion. The Examiner's cooperation in this regard is sincerely appreciated.

A Petition for a three month Extension of Time with the requisite fee is submitted herewith thereby providing for the timely filing of this Amendment.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "R. Hain Swope", written over a horizontal line.

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